



Town of Yorktown

Office of the Town Clerk

**FINAL TOWN BOARD
VIDEO CONFERENCE MEETING AGENDA
AUGUST 11, 2020
363 Underhill Avenue, Yorktown, NY 10598**

5:30 PM VIDEO CONFERENCE TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. INTRODUCTIONS

4. PUBLIC HEARING DECISION

Approve Wetland and MS4 application submitted by Paul Fitzgerald for property located at 1215 Audra Court for the installation of an in-ground swimming pool in accordance with requirements of the Town of Yorktown and the State Environmental Quality Review Act

WHEREAS:

The Applicant submitted an application to the Engineering Department for a Wetland and MS4 Storm Water Management permit for construction of an in-ground swimming pool (Proposed Action).

1. The Approval Authority for this permit application is the Town Board as the proposed work will involve a disturbance to the 100-foot buffer area of a NYSDEC-regulated wetland.
2. The application fee for this Proposed Action is \$3,300; the Applicant paid \$1,100 therefore there is a balance due of \$2,200.
3. The Applicant submitted engineering the following documents in support of the application:
 - a. Environmental Assessment Form (EAF) prepared by Stephen Ferreira, dated 6/17/20.
 - b. Proposed Site Plan for In-ground Pool at Fitzgerald Residence, prepared by SJF Engineering Services, Stephen Ferreira, P.E., dated 6/16/20, 1 sheet.
 - c. Survey information by Donald Donnelly, L.S.
4. No trees are proposed to be removed in the Proposed Action.
5. The Engineering Department performed a review of the submitted documentation and prepared a technical review memo dated 7/2/20.
6. A Public Hearing was opened on 7/28/20.
7. The Town Board reviewed communications received from the Engineering Department and Conservation Board. The Conservation Board memo dated 7/16/20 included the following comments and recommendations:

- a. The site plan is incomplete, missing flagging of the wetland and wetland buffer line. The pool is to be constructed within the 100 ft. wetland buffer. The engineer indicated that since the wetland is a designated NYS DEC wetland the DEC must do the flagging, which has not been completed. Before final review of the project the wetland flagging should be completed and shown on the site plans with the corresponding wetland buffer line.
 - b. Mitigation for incursion into the wetland buffer is required and should be detailed on the plan. The applicant suggested that plantings would be installed adjacent to the pool but not shown on plan. The Conservation Board suggests the use of native plants be added within the lawn area to further protect the wetland.
 - c. Applicant is to satisfy all MS4 procedures and protocol.
8. No members of the public spoke on this application.
9. The Public Hearing regarding this application was closed on 7/28/20.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board declares itself Lead Agency for this Unlisted Item, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
- 2. That the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.
- 3. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
- 4. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
- 5. The Applicant shall pay the open balance of the application fee prior to issuance of permit.
- 6. Applicant stated a NYSDEC representative has recently flagged the edge of NYSDEC-regulated wetlands on the property and the location coincides with the boundary shown on the engineering plans
- 7. In order to address Conservation Board comment regarding wetland buffer area mitigation, the Applicant will perform the following in an equivalent area to the total wetland buffer area disturbance:
 - a. Remove invasive plants from the wetland/buffer area staying within the property limits;
 - b. Add plantings that are appropriate for a wetland/ buffer area (Examples: nannyberry, meadowsweet, winterberry holly highbush blueberry and/or serviceberry), staggered spaced at 3-4 feet apart; and
 - c. Finish the planting area with 2-3 inches of natural wood mulch.
- 8. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.

9. The Town Engineer shall issue the permit in accordance with the terms of this resolution. The following conditions are included as part of the Action: (1) Payment of open balance on application fee; (2) A wetland mitigation plan will be incorporated as described above and (3) All draft conditions as listed in the Town Engineer's memo dated 7/2/20 are adopted in the Engineering permit.

5. RESOLUTIONS

Authorize Supervisor to sign a memorandum of understanding with the IBM TJ Watson Research Center for the provision of primary law enforcement services

RESOLVED, that the Supervisor is authorized to execute a memorandum of understanding with the IBM TJ Watson Research Center for the provision of primary law enforcement services, which is a requirement of N.Y.S. Department of Conservation planning standards for the TJ Watson Research Center Hazardous Materials Contingency Plan.

Authorize Supervisor to sign all documents necessary to accept, for the Police Department's use, the gift of a 2020 Harley Davidson Police Road King FLHP Motorcycle

RESOLVED, that the Supervisor is authorized to execute all documents necessary to accept, for the Police Department's use, the gift of a 2020 Harley Davidson Police Road King FLHP motorcycle (VIN # 1HD1FHP13LB652814); and (2) that the donor shall receive no compensation of any kind in exchange for the donation.

Approve Creation of a Food Security Task Force

RESOLVED, that the Town Board hereby creates a Food Security Task Force for the purpose of: (1) advising the Town Board on how best to address food security issues affecting the Town's residents; (2) raise awareness of and coordinate support for all food insecure residents; and (3) enhance services to food insecure residents and their families;

BE IT FURTHER RESOLVED, that the Task Force shall consist of at least five (5) volunteer members; and

BE IT FURTHER RESOLVED, that each Task Force member shall be appointed by and serve at the discretion of the Town Board; and

BE IT FURTHER RESOLVED, that the Task Force shall select its own Chairperson; and

BE IT FURTHER RESOLVED, that all Task Force meetings will be open to the public, the public will be permitted to participate in the Task Force discussions, and the Task Force's meeting dates are to be posted on the Town's website; and

BE IT FURTHER RESOLVED, that detailed minutes will be prepared of all Task Force meetings; and

BE IT FURTHER RESOLVED, that the Task Force shall submit a report, on or before the 31st day of January, setting forth for the prior calendar year: (1) the dates the Task Force met, (2) all votes taken by the Task Force, (3) all memoranda

prepared by the Task Force and submitted to the Town Board, (4) all activities undertaken by the Task Force, and (5) all minutes of the Task Force's meetings.

Authorize Comptroller to process the following Budget Transfer

Resolved, the Comptroller is hereby authorized to process the following budget transfers for the Highway Department:

From:		
D5110.101	Highway – Salary	\$60,000.00
To:		
D5110.105	Highway – Overtime	\$60,000.00

For overtime due to storm clean up from Hurricane Isaias.

Authorize Comptroller to draft a letter to the Dormitory Authority of the State of New York (DASNY) detailing the accounts that will be used to fund SAM Grant Projects ID: #19123 and 19124

Resolved, that the Comptroller is authorized to draft a letter to the Dormitory Authority of the State of New York (DASNY) detailing the accounts that will be used to fund these projects:

- State and Municipal Facilities Program (SAM) Project ID #19123 for Installation of a Ventilation System in the Highway Garage in the amount of \$350,000.00.
- State and Municipal Facilities Program (SAM) Project ID: #19124 for the Construction of an Addition to the Highway Garage in the amount of \$375,000.00.

Accept Bond from 1961 Commerce Street LLC for Landscape Plantings as shown on the approved site plan

WHEREAS, the project known as 1961 Commerce Street, LLC located at 1961 Commerce Street, received amended site plan approval by resolution #20-07, dated June 8, 2020 of the Planning Board; and

WHEREAS, A. Devito & Son, Inc., contractor for 1961 Commerce Street LLC., provided the Town with Check No. 18874 in the amount of \$3,000 to serve as the cash bond for landscape plantings as shown on the approved site plan, and

WHEREAS, the bond shall cover a period of three years as guaranty of the survival and health of the landscape plantings as shown on the approved plans; and

NOW, THEREFORE BE IT RESOLVED that the above referenced monies are hereby accepted to serve as the required bond for the above referenced site plan.

Release Bond in the amount of \$250.00 for work done at 1545 Wenonah Trail

WHEREAS:

1. Jay Tomasulo as applicant, posted \$250 (cash) which was deposited to the T33 account on June 24, 2019.
2. Jay Tomasulo has requested his money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Mr. Jay Tomasulo, 1545 Wenonah Trail, Yorktown Heights, NY 10598.

Release Escrow Deposit for Street Opening Permit No.019-010 for 1631 Central Street

RESOLVED, that upon the recommendation of the Highway Superintendent, the Comptroller is authorized to release the Escrow Deposit for Street Opening Permit #019-010 in the amount of \$2,000.00 to Louis F. Mastro, 1631 Central Street, Yorktown Heights, NY 10598.

Referral for 1538 Jacob Road Stormwater Management Permit

RESOLVED, the Town Clerk is authorized to refer out to the appropriate agencies the application for a Stormwater Management Permit for applicant Bill Williams for property located at 1538 Jacob Road, Yorktown, New York 10598.

6. EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Interviews

Granite Knolls Solar RFP

7. ADJOURN

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK

Dated: August 11, 2020

Instructions for the Public to participate in Town Board Meetings Remotely:

The Town Board of the Town of Yorktown will not be meeting in person. In accordance with the Governor's Executive Order 202.1, until further notice, meetings will be held via video conferencing. The Town of Yorktown will televise a video conference Town Board meeting at 5:30 p.m. on Tuesday, August 11, 2020.

You will have an opportunity to see and hear the meeting live on Channel 20 (Cable) or Channel 33 (Fios). If you have a computer, tablet, or smartphone, you will be able to see and hear the meeting while it is occurring on the Town's website at yorktownny.org. If you have any questions, please contact me at dquast@yorktownny.org or (914) 962-8152.